

# In the Supreme Court of the United States

OCTOBER TERM, 1966

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No. 336

THE TOILET GOODS ASSOCIATION, INC., ET AL.,  
PETITIONERS

v.

JOHN W. GARDNER, SECRETARY OF HEALTH, EDUCATION,  
AND WELFARE, AND JAMES L. GODDARD, COMMISSIONER  
OF FOOD AND DRUGS

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ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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## MEMORANDUM FOR THE RESPONDENTS

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Petitioners seek review of that portion of the judgment of the court below (Pet. App. A 1-20; 360 F. 2d 677) holding declaratory relief unavailable at this juncture to test the statutory validity of a regulation of the Food and Drug Administrator interpreting the 1960 "Color Additive" amendments to the Federal Food, Drug and Cosmetic Act.

The government has petitioned for a writ of certiorari to review the same judgment insofar as it held other Food and Drug regulations ripe for review.

